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**BZA-1864**  
**CROWN CASTLE, USA**  
**Special Exception**

**STAFF REPORT**  
**September 20, 2012**

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**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioner, with consent of the owner, is requesting a special exception to legitimize an existing primary communications tower in the A zone operating 24 hours a day, 7 days per week. A setback variance for the tower is also on this agenda, BZA-1863. The tower is located in the A zoning district, where CR 850 N dead ends at I-65, 609 W 850 N in Tippecanoe, 7 (SE) 24-4. (UZO 3-2)

**For AREA ZONING PATTERNS, AREA LAND USE PATTERNS, TRAFFIC AND TRANSPORTATION and ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**

See BZA-1863

**STAFF COMMENTS:**

This tower was constructed in 1998 and received a special exception in 1999 (BZA-1510) to allow up to four co-locators. Petitioner approached staff in late summer 2012, inquiring about electrical upgrades. It has been the position of both the building permit and this office that simple electrical upgrades require a permit but not an expanded special exception; if additional carrier(s) or equipment cabinets/structures were added, a new special exception *would* be required.

Staff advised petitioner a special exception was not necessary, as there was already an approval from 1999. However, since the northern property setback does not meet ordinance requirements, petitioner applied for a variance to legitimize the setback (BZA-1863) and opted to get a new special exception at the same time. The site plan does not indicate any additional carriers or new equipment cabinets, but does note the removal of an existing cabinet. Staff always recommends that the maximum number of carriers and potential structures be shown on communications tower site plans as special exception approvals are site plan specific.

At its meeting on September 5, 2012, Executive Committee of the Area Plan Commission voted that granting this request would not substantially adversely affect the Comprehensive Plan.

Regarding the ballot items:

1. Section 3.1 of the Unified Zoning Ordinance **DOES** authorize the special exception for this use (SIC 48) in the A zoning district.

And it is staff's opinion that:

2. If the setback variance is granted in BZA-1863, the requirements and development standards for the requested use as prescribed by the Unified Zoning Ordinance **WILL** be met.
3. Granting the special exception **WILL NOT** subvert the general purposes served by the Ordinance because this tower has existed with an approved special exception without incident since 1999.
4. Granting the special exception **WILL NOT** materially and permanently injure other property or uses in the same district and vicinity because of:
  - a. Traffic generation: Because there is so little traffic on this portion of CR 850 N, petitioner's existing unmanned operation will continue to have no additional impact on current conditions;
  - b. Placement of outdoor lighting: The tower will continue to be lighted per FAA requirements;
  - c. Noise production: There is an insignificant amount of noise produced by petitioner's use especially compared to the noise produced by the adjacent interstate
  - d. Hours of operation: 24 hours per day, 7 days per week is standard for this type of use.

**STAFF RECOMMENDATION:**

Approval